

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

CHARLES F. SULLIVAN,

Plaintiff,

v.

MAINE DEPT. HEALTH AND  
HUMAN SERVICES,

Defendant

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No. 1:10-cv-276-JAW

**RECOMMENDED DECISION**

On July 6, 2010, Charles Sullivan, a resident of Chesapeake, Virginia, filed a one page, four paragraph complaint against the State of Maine claiming it had violated his constitutional rights by unlawfully modifying a court order and garnishing his wages. Sullivan seeks \$50,000.00 in monetary damages and injunctive relief in the form of a “cease and desist” order aimed at the garnishment. I reviewed Sullivan’s application to proceed in forma pauperis and concluded that he did not qualify for that status. (Doc. No. 4, Order denying IFP application). I gave Sullivan thirty days to pay the entire filing fee or make some alternative arrangements for payment with the court. As of today’s date the court has heard nothing from Mr. Sullivan.

According to the affidavit Sullivan filed in support of his motion to proceed in forma pauperis, his gross wages are \$826.50 every two weeks. His only regular monthly payments for housing, transportation, utilities, loan payments, or other regular monthly expenses consisted of \$121.00 for cellphone, \$107.75 for car insurance, and \$280.00 for car payment. (Doc. No. 3, ¶¶ 2, 6). In my view Sullivan’s financial circumstances do not warrant waiving the filing fee in this instance. Accordingly I required the fee to be paid by August 9, 2010, warning Sullivan that his failure to do so or contact the court about other arrangements would result in my

recommendation that this matter be dismissed from the docket. I now recommend that the court do exactly that and dismiss this case for failure to prosecute the action in a timely fashion.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge

August 11, 2010